

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Northern State Bank of Virginia,

Civil No. 11-00003 (SRN/LIB)

Plaintiff,

ORDER

v.

Thomas A. Friend, John Doe and Mary Doe,

Defendants

Shawn M. Dunlevy, Fryberger, Buchanan, Smith & Frederick, PA, 302 West Superior Street, Suite 700, Duluth, Minnesota 55802, for Plaintiff

Thomas A. Friend, c/o 2347 Chisholm Road, Gheen, Minnesota 55792, Pro Se

SUSAN RICHARD NELSON, United States District Court Judge

This matter is before the Court on Defendant Thomas A. Friend's Motion to Dismiss Without Prejudice [Doc. No. 5]. For the reasons set forth herein, Defendant's motion is denied without prejudice and this matter is remanded to state court.

I. BACKGROUND

This matter arises out of a Minnesota State court eviction action related to property in Virginia, Minnesota. Plaintiff Northern State Bank of Virginia ("NSB") made loans to Defendant Thomas A. Friend secured by a mortgage. Friend defaulted on the mortgage and NSB foreclosed on the mortgage. Through a March 8, 2010 letter, NSB provided notice to Friend that a default had occurred (Letter of 3/8/10 from B. Knutson to T. Friend, Ex. 1 to Affidavit of Shawn M. Dunlevy.), eventually leading to a sale of the property at public auction by the St. Louis County Sheriff's Office. The successful bidder was NSB. The redemption period expired